

In the Supreme Court of the State of Alaska

Allison Leigh,

Petitioner,

v.

**Alaska Children's Service and
Republic Indemnity Company of
America,**

Respondents.

Supreme Court No. S-17247

Order

Date of Order: 8/12/19

AWCAC Appeal No. 18-014

On 10/1/18, petitioner Allison Leigh filed a petition for review, asking that this court review a 9/20/18 order of the Alaska Workers' Compensation Appeals Commission denying interlocutory review of a decision of the Alaska Workers' Compensation Board, which denied the petitioner's request for a protective order for mental health records. By order dated 12/4/18, this court granted the petition for review and ordered briefing of two questions:

- (a) Can the Alaska Workers' Compensation Board require an employee to sign a release of information for mental health records pursuant to AS 23.30.107-.108 when the employee has not requested compensation related to the employee's mental health or otherwise directly put her mental health in issue? If the Board can do so, what limits, if any, can be imposed on the release?

- (b) To what extent, if at all, does *Harrold-Jones v. Drury*, 422 P.3d 568 (Alaska 2018) apply to discovery in workers' compensation proceedings?

On 5/16/19, the petitioner filed a motion to treat the case as confidential. In an attached affidavit the petitioner describes a traumatic childhood experience that she contends should not be made public. On 5/28/19, respondents Alaska Child & Family, Republic Indemnity Company of America, and Northern Adjusters, Inc. filed a limited opposition. The respondents point out correctly that the childhood experience the petitioner describes in her affidavit is not in the Board's record and therefore not in this court's record either.

The petitioner is reminded that the questions the court has asked the parties to brief are the two legal questions repeated above. The questions do not call for the disclosure of any sensitive information. And there is apparently no sensitive information in the record that could be disclosed in any event. The petitioner has demonstrated no reason why this case should be treated as confidential.

IT IS ORDERED: The respondents' 5/30/19 motion to accept late-filed opposition is **GRANTED** and the petitioner's 5/16/19 motion to treat the case as confidential is **DENIED**.

Entered by direction of an individual justice.

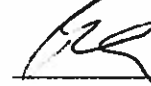
Leigh v Alaska Children's Service, et al.

Supreme Court No. S-17247

Order of 8/12/19

Page 3

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy
Clerk

Distribution:

Paddock, Vicki

Leigh, Allison